

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

Joshua Wright ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 24-cv-00002-PTG-IDD
	:	
The Rector and Visitors of George Mason University <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DEFENDANT’S MOTION FOR STAY PENDING RESOLUTION OF DEFENDANT’S
RULE 12(b)(1) MOTION TO DISMISS**

Defendant¹ by and through counsel, moves for a stay of this case pending resolution of Defendant’s Motion to Dismiss Plaintiff’s amended complaint under Fed. R. Civ. P. 12(b)(1), Dkt. 27.²

The grounds for the motion are as follows:

¹ Dr. Thomas Bluestein, in his official capacity, is the only remaining defendant in this case.

² The request for a stay was originally included in Dkt. 27. Counsel is refiling this motion for a stay as a separate motion per the direction of the Clerk’s Office. Defendant refers the Court to the Memorandum in Support, Dkt. 28, which contains Defendant’s arguments regarding both the Motion to Dismiss and the Motion for a Stay.

1. Defendant has filed a Motion to Dismiss Plaintiff's amended complaint under Fed. R. Civ. P. 12(b)(1), Dkt. 27. That motion argues that Plaintiff's amended complaint is barred by sovereign immunity and the Court lacks subject matter jurisdiction.
2. Defendant requests a stay of discovery pending resolution of the motion to dismiss. Sovereign immunity protects states from the burdens of litigation, and, therefore, it is appropriate for the Court to stay discovery while it resolves Defendant's sovereign immunity and subject matter jurisdiction arguments in the motion to dismiss.
3. Pursuant to Local Rule 7(E), Counsel for Defendant has met and conferred with Counsel for Plaintiff in a good-faith effort to narrow disagreement, and it was not possible to resolve or narrow the disagreement regarding the issues raised in this motion.

The legal arguments outlined above are set forth at length in the accompanying Memorandum of Points and Authorities, Dkt. 28. This motion is based on the amended complaint filed in this action, this motion, the accompanying memorandum of points and authorities and exhibits thereto, any subsequently filed reply brief and any oral argument presented by Defendant during the hearing for this motion.

November 20, 2024

RESPECTFULLY SUBMITTED

_____/s/_____

Eli S. Schlam, Asst. Atty. Gen.
Virginia Bar Number 92987
George Mason University
4400 University Drive,
MS 2A3
Fairfax, VA 22030
Phone: (703) 993-2619
Fax: (703) 993-2340
eschlam@gmu.edu

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of November 2024, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record in this case.

_____/s/_____
Eli S. Schlam, Asst. Atty. Gen.
Virginia Bar Number 92987
George Mason University
4400 University Drive,
MS 2A3
Fairfax, VA 22030
Phone: (703) 993-2619
Fax: (703) 993-2340
eschlam@gmu.edu